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SELECTED PAPERS OF HOMER  
CUMMINGS, edited by Carl Brent Swisher.  
Charles Scribner's Sons, New York, 1939. Pp. xxvi,  
316. \$3.50.

Thomas A. Cowan

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outstanding exception to the general case level of the book and offer much of the type of source material suggested. It seems unfortunate that the same plan was not extended to the rest of the text. Some use has been made of cut cases, extracts from speeches and law review materials. A further addition of such material would add much more to the value of this interesting work.

FREDERICK K. BEUTEL\*

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SELECTED PAPERS OF HOMER CUMMINGS, edited by Carl Brent Swisher. Charles Scribner's Sons, New York, 1939. Pp. xxvi, 316. \$3.50.

A published selection from the papers of the man who was Attorney General of the United States from 1933 to 1939 is indeed an event of great significance. It is hard to conceive of a comparable six years' period in the legal history of the country. The war periods do not furnish an analogy; in effect, war operates as a moratorium on legal problems. After peace is declared, to be sure, there is the necessary piecing together of the broken fragments of legal relations, but the process is apt to be leisurely.

The New Deal, on the contrary, was almost exclusively a legal battle. Its chief problem lay in determining what legislative and judicial obstacles of a legal nature lay in the path of social reforms for which, in many instances, adequate patterns of social control already existed, and for which political power to enact these measures into law was superabundant.

From 1933 to 1937 there was put upon the statute books of the United States legislation whose admitted effect was to strain to the utmost the constitutional powers of the federal government. It is not surprising, then, that the papers of the one who was Attorney General during this period should constitute a "public document" of the first importance.

It would have been natural for the editor to have dedicated the major portion of the volume to the activities of the New Deal as they affected the Justice Department. However, this was not done. In point of fact, only 78 of its more than 300 pages are devoted to that subject. The rest of the book undertakes to give in

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summary fashion brief glimpses of the manifold functions of the Department of Justice and of the influence of Homer Cummings in creating in part, and in maintaining for the rest, a modern American "ministry of justice."

Part One is a brief account of the history and present physical structure of "the nation's largest law office." Part Two deals with crime control. Such subjects as Alcatraz, National Crime Conference, Enforcement Training, and Firearms Control give an idea of the extensive program for crime prevention undertaken by Attorney General Cummings. Part Three is devoted to the Courts, the Constitution, and the New Deal. The Attorney General's part in the plan to remodel the Supreme Court is adverted to. Part Four concerns Reform of Federal Practice and Procedure. If nothing more than the New Rules of Civil Procedure could be credited to Homer Cummings the legal profession, at least, would long have reason to remember him. Part Five deals with a little known phase of Mr. Cumming's work as Attorney General. That is the question of Judicial Reform. It is hard to imagine a more ticklish job than that of the chief attorney of the federal government in attempting to achieve reforms in the federal courts. It is indeed remarkable that all of the plans for judicial reform in which the former Attorney General participated, save only those aspects of the President's Court Plan which pertained to retirement of Supreme Court Justices, have met with general approval. Part Six is directed to a consideration of miscellaneous problems of a perennial nature. Monopoly and restraint of trade, taxation, claims against the United States, and many other more prosaic but nonetheless important duties of the Justice Department are treated in this last part of the book.

Homer Cummings is a master stylist; and the mark of fastidious attention to literary form is on his papers. Whether as the result of his initial composition, or of his careful editing, the important state papers of the Attorney General are masterpieces of English prose. Add to this, the fact that the contents of the official papers of the head of the Justice Department during the intensely active phase of the early and middle New Deal deserve in themselves serious attention, and one can see how those papers are required reading for all students of public affairs.

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